

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

vs.

21-CR-1326 MV

EPIFANIO ESPINOSA,
Defendant.

DEFENDANT'S UNOPPOSED MOTION
FOR ORDER RELEASING DEFENDANT EPIFANIO ESPINOSA TO THE
THIRD PARTY CUSTODY OF THE LA PASADA HALFWAY HOUSE AND
SUPERVISION BY PRETRIAL SERVICES

COMES NOW defendant, Epifanio Espinosa, by and through his counsel of record, Erlinda O. Johnson, Esq., and hereby respectfully moves this Court for an order releasing him from the custody of the U.S. Marshal's Service to the third-party custody of the La Pasada Halfway House and supervision by pretrial services, and as reasons therefore submits the following:

1. On August 25, 2021, Mr. Espinosa was arrested and charged with possession with intent to distribute 50 grams and more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B) and felon in possession of a firearm, in violation of 18 U.S.C. § 922(g).

2. On September 1, 2021, The Honorable Steven Yarbrough ordered Mr. Espinosa detained in the custody of the U.S. Marshal's Service.

3. Mr. Espinosa is currently in need of knee replacement surgery and was indeed scheduled for surgery the day he was arrested. He respectfully moves this Court

for an Order releasing him to the third-party custody of the La Pasada halfway house and supervision by U.S. Pretrial Services so that he may follow-up with his surgical needs.

4. The parties have agreed that Mr. Espinosa should be released to the third-party custody of the La Pasada Halfway house and supervision by pretrial services.

5. Undersigned counsel was in contact with Assistant U.S. Attorney Paul Spiers, who advised that the United States does not object to Mr. Espinosa's release to the third-party custody of the La Pasada Halfway House, with all other standard conditions of pretrial release and supervision by pretrial services.

6. United States Pretrial Services Officer Anthony Galaz advised U.S. Pretrial Services does not object to Mr. Espinosa's release to the third-party custody of the La Pasada Halfway House.

Wherefore, for the foregoing reasons, Mr. Espinosa respectfully requests this Court issue an order authorizing his release from the custody of the U.S. Marshal's Service to the third-party custody of the La Pasada Halfway House, supervision by pretrial services and all other standard conditions of pretrial release.

Respectfully Submitted,

electronically filed 10/14/21
Erlinda O. Johnson
Counsel for Epifanio Espinosa
620 Roma Ave. N.W.
Albuquerque, NM 87102

I hereby certify that a true and correct
Copy of the foregoing was provided
To AUSA Spiers, on this 14th
Day of October 2021.

/s/
Erlinda O. Johnson
Attorney at Law